

FISCAL NOTE

HB 1396 - SB 2020

March 22, 2007

SUMMARY OF BILL: Makes it is a Class B misdemeanor for a person who is operating or in physical control of a motor vehicle to consume an alcoholic beverage. Makes it a Class C misdemeanor to possess an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a public highway except in a motor vehicle being used primarily to transport passengers for compensation, in the living quarters of a recreational vehicle, or a vehicle operated by a chauffeur.

ESTIMATED FISCAL IMPACT:

Increase State Revenues - \$123,500

Increase State Expenditures - Not Significant

Increase Local Govt. Revenues - \$6,500

Increase Local Govt. Expenditures - Not Significant

Assumptions:

- The number of open container violations would double from approximately 650 to 1,300.
- An increase in the average fine for violations of open container provisions committed by drivers from \$40 to \$200 as a result of making the offense a Class B misdemeanor. (650 x \$160 average fine increase)
- An average fine for violations of open container provisions by passengers of \$40. (650 x \$40)
- The State receives fines and the clerks receive commission on such fines in accordance with TCA 55-10-303.
- Any increase in state and local government expenditures to enforce the provisions of this bill will be not significant.
- According to TDOT, the provisions of this bill do not meet federal "open container" requirements and would not prevent the transfer of approximately \$15 million in federal funds for FY 07-08 and subsequent years from road construction programs to highway safety programs.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director